

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

EDITH BEASLEY

-VS-

PEOPLES GAS LIGHT AND COKE COMPANY

Complaint as to a refund of

\$1,625.51 over billing in Chicago,

Illinois.

Chicago, Illinois

February 13, 2002

Met pursuant to notice at 11:00 a.m.

BEFORE :

MR. SHERWIN ZABAN, Administrative Law Judge.

APPEARANCES:

MS. EDITH BEASLEY

6544 South Cottage Grove

Chicago, Illinois

Appearing pro se;

MR. PETER BRIGIDA

130 East Randolph Drive, 23rd Floor

Chicago, Illinois 60601

Appearing for the Respondent.

SULLIVAN REPORTING COMPANY, by

Christine L. Kowalski, RPR, CSR

1 JUDGE ZABAN: By the power vested in me in the
2 Illinois Commerce Commission, I call Docket No.
3 02-0094, Edith Beasley versus Peoples Gas Light and
4 Coke Company.

5 Will the parties please identify
6 themselves and enter their appearances for the
7 record.

8 MS. EDITH BEASLEY: Edith Beasley.

9 JUDGE ZABAN: And you are the Complainant in this
10 matter, Ms. Beasley?

11 MS. EDITH BEASLEY: Yes, I am.

12 JUDGE ZABAN: Okay.

13 MR. BRIGIDA: Peter Brigida on behalf of the
14 Peoples Gas Light and Coke Company, 130 East
15 Randolph Drive, Chicago, Illinois 60601. My
16 telephone number is (312) 240-4461.

17 JUDGE ZABAN: Okay. This is the first time this
18 matter is up.

19 Ms. Beasley, it's your allegation
20 that you've been overcharged by Peoples Gas; is that
21 correct?

22 MS. EDITH BEASLEY: Correct.

1 JUDGE ZABAN: And you and I had a conversation
2 about a week ago. I indicated to you today that the
3 purpose of this hearing would be to set up a
4 discovery schedule which the parties could determine
5 what, if any, information they need from each other
6 and to set up an orderly manner for which -- that
7 that exchange of discovery can take place.

8 Now --

9 MS. EDITH BEASLEY: No. This was entitled a
10 hearing. And this -- as far as I'm concerned, it's
11 a hearing. Discovery, nothing; that they have
12 overcharged me and then -- see, because I asked you
13 at the time did I need an attorney.

14 JUDGE ZABAN: Okay.

15 MS. EDITH BEASLEY: So you're saying next time.
16 There's another hearing? Okay. That's all.

17 JUDGE ZABAN: I indicated to you that you didn't
18 need to have an attorney present today because, in
19 fact, this would be just merely for the purposes of
20 determining discovery, okay?

21 MS. EDITH BEASLEY: Mm-hmm.

22 JUDGE ZABAN: And I'm going to allow the parties

1 an opportunity to have discovery unless Peoples Gas
2 feels it doesn't need any discovery.

3 MR. BRIGIDA: We can't make that determination at
4 this point.

5 JUDGE ZABAN: Okay. So what I'm going to do
6 is -- today is the 13th. I'm going to order that
7 all written discovery be tendered by February -- by
8 March 1st.

9 Which means, Ms. Beasley, that if
10 you desire any documentation or information from
11 Peoples Gas you have to put it in writing as to what
12 it is you want from them by March 1st. And they, in
13 turn, will send you a letter indicating what
14 documents they want from you, and you have to
15 receive that by March 1st as well. Do you
16 understand that part?

17 MS. EDITH BEASLEY: Yes, I do. Yeah.

18 JUDGE ZABAN: Okay. All right.

19 MS. EDITH BEASLEY: You know, I'm getting the
20 runaround. I went down there on State Street, and I
21 asked for that information because they said I
22 needed it for a hearing. Now, I got to put it back

1 in writing. I mean, I got to do this all over
2 again.

3 JUDGE ZABAN: No, no, no. You don't have to --

4 MS. EDITH BEASLEY: Yes, I -- I've got to put it
5 in writing, you said.

6 JUDGE ZABAN: Ms. Beasley, what I'm -- Counsel
7 will give you his card today, all right? What you
8 will do is you will send it to him, not to Peoples
9 Gas.

10 MS. EDITH BEASLEY: Okay.

11 JUDGE ZABAN: You will send it directly to him.

12 MS. EDITH BEASLEY: All right. All right.

13 JUDGE ZABAN: He is obligated under the rules of
14 this Commission to respond to your request and to
15 provide you with the information that you require,
16 okay?

17 MS. EDITH BEASLEY: All right.

18 JUDGE ZABAN: Okay. So you're not dealing with
19 Peoples Gas, you're dealing with Counsel and you're
20 dealing with the Commission now.

21 MS. EDITH BEASLEY: Okay.

22 JUDGE ZABAN: If there's a problem, you'll

1 contact me. And if you let me know if they are not
2 treating you properly.

3 All right. If I set then all
4 discovery -- and I don't know specific -- I'm
5 assuming that there's not going to be -- we're
6 talking about how many months of billing here?

7 MS. EDITH BEASLEY: Oh, it was just up to --
8 how'd I know? It was just the -- when I received
9 the bill. It was like in September of 2001. So
10 that was from January 1st to when the heat was off
11 like in May.

12 JUDGE ZABAN: Okay.

13 MS. EDITH BEASLEY: That's all.

14 JUDGE ZABAN: All right. Okay. So we're talking
15 about -- okay. That's fine. And we're -- are we
16 talking about one bill in particular or is it a
17 series of bills?

18 MS. EDITH BEASLEY: No. We're speaking of a
19 series of bills that generated an overpayment.

20 JUDGE ZABAN: Okay. So I'm going to assume that
21 three weeks would be adequate time for you to answer
22 any requests they would have in terms of producing

1 any documents that they have; is that correct?

2 MS. EDITH BEASLEY: Sure.

3 JUDGE ZABAN: All right. I'm assuming three

4 weeks would be adequate for you as well?

5 MR. BRIGIDA: That's fine.

6 JUDGE ZABAN: All right. Then let's do this:

7 We're going to set -- all discovery has to be

8 answered then by March 22nd. And I'm going to set a

9 hearing date of March 28th at 11:00 o'clock.

10 So the actual hearing date,

11 Ms. Beasley, will be on March the 28th. If you

12 desire to have an attorney, you can hire an attorney

13 anytime between now and March 28th or you can have

14 the attorney present on March 28th as well.

15 MS. EDITH BEASLEY: An attorney requires a third

16 of what -- I'm not going to give no attorney a third

17 of money I have paid.

18 JUDGE ZABAN: I understand that. I'm just

19 indicating that --

20 MS. EDITH BEASLEY: And that's a lot of nerve for

21 the gas company to be putting me through this stuff.

22 They're the ones that sent me a bill that they had

1 overcharged me. And I resent being down here today,
2 too.

3 JUDGE ZABAN: Okay. Well, I can't help you
4 there.

5 MS. EDITH BEASLEY: Well, I want it on the
6 record. She's making a record. I resent it all.

7 JUDGE ZABAN: That's fine.

8 MS. EDITH BEASLEY: Because the Illinois Commerce
9 Commission says they're supposed to settle it.
10 You're not settling anything. I got to go through
11 all these changes with them.

12 This book says that I'm supposed
13 to get in touch with them, they're supposed to be
14 the mediator, and you're supposed to settle it.
15 Now, what's wrong with them giving me my overcharge
16 that they put in black and white? And I got to go
17 through all these changes.

18 I'm a senior citizen. I am not
19 supposed to be aggravated like this.

20 JUDGE ZABAN: Okay. Now, Ms. Beasley, if you'll
21 curb your hostility a little bit for me --

22 MS. EDITH BEASLEY: Uhn-uhn. I --

1 JUDGE ZABAN: Listen -- now listen to what I'm
2 about to tell you because it might be good news.

3 MS. EDITH BEASLEY: I'm about to walk, too.

4 JUDGE ZABAN: Well, I can't stop you from doing
5 that. But what I'm about to tell you might be good
6 news for you okay.

7 MS. EDITH BEASLEY: Mm-hmm.

8 JUDGE ZABAN: And the answer is that what I have
9 found in my experience in these particular hearings
10 are that when you get to this phase and you're not
11 dealing with Peoples Gas, you're dealing with
12 attorney. What I'm going to suggest you do as long
13 as you're down here, at the conclusion of this
14 hearing to sit down with Mr. Brigida right here and
15 now and sit down and discuss the matter with him
16 one-on-one. Show him what you've got, and he'll
17 look it over, okay?

18 MS. EDITH BEASLEY: I haven't got anything --

19 JUDGE ZABAN: Let me finish. Let me finish.

20 MS. EDITH BEASLEY: Okay.

21 JUDGE ZABAN: All right? Or tell him what you
22 got, and he may say to you, Show me this, show me

1 what you're telling me. There is a substantial
2 chance that the two of you can come to some resolve
3 on this matter --

4 MS. EDITH BEASLEY: Okay.

5 JUDGE ZABAN: -- without having to go through the
6 process of a hearing. This is what my experience
7 has been; that by the time people come here that
8 often the problem is merely a misunderstanding on
9 both sides or on one side or the other of what's
10 involved.

11 If you have a legitimate claim --
12 and I don't doubt for one minute that you do -- then
13 show Mr. Brigida and tell him what you've got. He
14 can real quickly investigate it and find out if, in
15 fact, you are correct, and this matter can be
16 resolved. That's the quickest and simplest way to
17 do it.

18 MS. EDITH BEASLEY: All right.

19 JUDGE ZABAN: All right?

20 MS. EDITH BEASLEY: Okay.

21 JUDGE ZABAN: So I ask for your indulgence a
22 little bit longer.

1 MS. EDITH BEASLEY: Okay.

2 JUDGE ZABAN: And the worst that can happen is

3 you don't resolve it and you're no worse off than

4 you are right now.

5 So then I'm going to conclude this

6 hearing for today --

7 MR. BRIGIDA: One thing before we go off the

8 record?

9 JUDGE ZABAN: Yes.

10 MR. BRIGIDA: Just to note, the complaint is

11 brought against Peoples Energy, the notice had been

12 stating Peoples Gas Light and Coke Company. The

13 proper party is the Peoples Gas Light and Coke

14 Company.

15 JUDGE ZABAN: Okay. Well, we actually have it --

16 we actually have our official caption as Peoples Gas

17 Light and Coke Company.

18 MR. BRIGIDA: Okay.

19 JUDGE ZABAN: And although -- and I'm going to

20 allow Ms. Beasley to amend her complaint on the

21 surface to indicate that it is, in fact, against

22 Peoples Gas Light and Coke Company. So I don't

1 think we have a problem there.

2 MS. EDITH BEASLEY: Amend it to what, sir?

3 JUDGE ZABAN: Change the title. You have it

4 listed on your complaint against Peoples Energy.

5 The correct party is actually Peoples Gas Light and

6 Coke Company.

7 MS. EDITH BEASLEY: Well, when I pay my gas bill,

8 I write it out to Peoples Energy.

9 JUDGE ZABAN: I understand that.

10 MS. EDITH BEASLEY: Okay. All right. Okay.

11 JUDGE ZABAN: The actual party is --

12 MS. EDITH BEASLEY: All right.

13 JUDGE ZABAN: We're just going to amend it on its

14 face.

15 MS. EDITH BEASLEY: Okay. And may I say one

16 thing here?

17 JUDGE ZABAN: Yes, ma'am.

18 MS. EDITH BEASLEY: The Illinois Commerce

19 Commission has this booklet, and it says on page 5,

20 All deposits and refunds must be paid to you by

21 separate check, not as a credit. They have taken my

22 money and put it as a credit on my bill. That is

1 not supposed to be. You all made these rules, not
2 me.

3 JUDGE ZABAN: Ms. Beasley?

4 MS. EDITH BEASLEY: Yes?

5 JUDGE ZABAN: Let me explain something to you.
6 Once again, when we have a hearing here, okay, and
7 I -- let's just assume for the sake of example that
8 you are correct, all right?

9 MS. EDITH BEASLEY: Yes.

10 JUDGE ZABAN: And you bring forward information
11 that that's what happened to you.

12 MS. EDITH BEASLEY: Yes.

13 JUDGE ZABAN: I will order them to issue you a
14 check.

15 MS. EDITH BEASLEY: Yes.

16 JUDGE ZABAN: On the other hand, because you
17 understand that there's a procedure involved here --

18 MS. EDITH BEASLEY: Yes.

19 JUDGE ZABAN: -- if you sit with Mr. Brigida and
20 you show him that and you show him the rule and
21 Mr. Brigida says you are correct --

22 MS. EDITH BEASLEY: All right.

1 JUDGE ZABAN: -- then he has the power to do that
2 on his own without having to go through the process
3 of the hearing. That's why I want the two of you to
4 talk.

5 MS. EDITH BEASLEY: Okay.

6 JUDGE ZABAN: All right? You need to understand
7 at this point I have to give them the same rights as
8 I give you.

9 MS. EDITH BEASLEY: Okay.

10 JUDGE ZABAN: All right? So long as you're down
11 here, make the best of it.

12 MS. EDITH BEASLEY: Okay. Thank you.

13 JUDGE ZABAN: Okay. All right. That will
14 conclude the hearing.

15 If this matter cannot be resolved,
16 then it is continued for March 28th at 11:00 o'clock
17 for hearing. Okay? Thank you all for coming.

18 (Whereupon, further proceedings
19 in the above-entitled matter were
20 continued to March 28, 2002
21 at 11:00 a.m.)

22